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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/284,699	04/19/1999	YASUSHI TANAKA	450108-4542	2687

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EXAMINER

SALCE, JASON P

ART UNIT PAPER NUMBER

2623

DATE MAILED: 07/26/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/284,699

Applicant(s)

TANAKA, YASUSHI

Examiner

Jason P. Salce

Art Unit

2623

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 20 June 2006.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-11 and 14-35 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☐ Claim(s) _____ is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Continued Examination Under 37 CFR 1.114

1. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 6/20/2005 has been entered.

Claim Rejections - 35 USC § 112

The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

2. Claims 1-11 and 14-35 are rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the written description requirement. The claim(s) contains subject matter, which was not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventor(s), at the time the application was filed, had possession of the claimed invention.

Applicant has amended the claims to read, "when a cursor is moved onto a program guide screen, said commercial information is automatically transmitted from a remote network server of the commercial information sponsor and displayed successively, without actuating the cursor".

Applicant's specification on Page 30, Lines 12-17 states, "When a user operates the remote commander 24 to match a cursor with the CM display area A₃, B₁, or C₁ to click it, a home page showing the detailed information of the CM displayed on the CM display area A₃, B₁, or C₁ is obtained from the www server on the Internet 5, so as to display it on the display screen 23A of the monitor device 23." Although one could interpret this to teach the claim limitations stated above, the specification further teaches on Pages 30-31, "More specifically, the cursor keys K17 and K20 of the remote commander 24 are operated, in the condition that the EPG screen M1, the program details screen M2, or the operation screen M3 is displayed on the display screen 23A of the monitor device 23, to transfer a cursor to the CM display area A₃, B₁, or C₁, the system controller 44 starts the display processing procedure RT2 at step SP10, and judges whether or not the select key K21 of the remote commander 24 is clicked at step SP11". The specification then continues to teach that, "If an affirmative result is obtained at step SP11, the system controller 44 proceeds to step SP12 to read out the URL information corresponding to the CM displayed on the CM display area A₃, B₁, or C₁ from the data F12 of the A3 data D_{A3} (Fig. 4C) among from the program content data D_{PC} which are stored in the memory 46C of the multimedia processor 46" and "The, the system controller, the system controller 44 proceeds to step SP13 to start up the browser controlling part 46B in the multimedia processor 46. The started up browser controller part 46B accesses a page corresponding to the specified URL information through a modem 52. Thereby, the HTML data of the home page obtained from a desired

CM sponsor's terminal device 6 is displayed by the browser controlling part 46B, and stored in the DRAM 37A with a bit map form (step SP14)". Therefore, only if the program column is selected will the browser be started and retrieve the data. This is also supported by Figure 13, which teaches that the flow chart will not continue from step SP11 to SP12, unless the CM display area is clicked.

Therefore, the specification does not provide a written description of the claim subject matter discussed above. Since the claims do not supported the amended limitation, the rejection that the examiner has previously used to reject the claims is provided below.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

3. Claims 1-11 and 14-35 are rejected under 35 U.S.C. 102(e) as being clearly anticipated by Schein et al. (U.S. Patent No. 6,002,394).

Referring to claim 1, Schein discloses an information transmitting method for transmitting program guide information (see Column 7, Lines 36-45) and processing commercial information which corresponds to said program guide information and which

is automatically displayed for a single program column and is transmitted together with said program guide information (see Column 7, Lines 35-45 for transmitting commands in the VBI, which are used to create an EPG, and also note Column 8, Lines 3-7 for also transmitting commands which contain URL information which allows a user to access a linked internet site from the EPG).

Schein also discloses that when a cursor is moved onto a program column of the program guide screen (see Column 21, Lines 38-41 for navigating through a program guide screen and note Figure 20A for selecting the WORLD OF SERVICES menu or Figure 20B for selecting a program column that contains further commercial information), said commercial information (see again Figures 20A and 20B) is automatically transmitted from a remote network server of the commercial information sponsor (see Column 23, Lines 37-65 for automatically transmitting the commercial information from a remote network server located over the Internet upon selection of the program column that the cursor is moved to and further note that the examiner is interpreting automatically to be that when the selection of the program column takes place the system automatically knows by the selection of the service, which remote server to access in order to receive the proper commercial information) and displayed successively (see Figure 20C), in accordance with the remote network server address information comprising said commercial information (see Column 18, Lines 20-43 for the remote network servers being addressable, therefore when a remote network server is accessed, the address information is used to contact the proper remote network server in order to retrieve the commercial information).

Schein also discloses selectively picking program content data from a plurality of program content regions to create said program guide screen (see Column 10, Lines 40-59 for the user keeping a favorite channel list, selectable by the user and Figure 20A for the user being able to select his/her favorite channels from a program guide screen and Figure 21B for adding channel to the favorite list).

Schein also discloses combining the selectively picked program content data from said plurality of program content regions with transmitted screen layout data and previously stored standard screen layout data to create said program guide screen (see Column 7, Lines 16-38 and Column 9, Lines 1-5 and 56-61 and Column 12, Lines 5-10 and 47-60).

Schein also discloses that the program content data includes three types of data, modifiable broadcast data (see modifiable favorite channel database at Column 10, Lines 40-59), fixed broadcast data (see Figure 7B) and comparatively large-sized broadcast data (see Figure 5).

Schein also discloses that the selectively picked program content data are categorized in at least two types of data with different structures and formats (see Column 10, Lines 40-67, where programs can be selected not only by favorite channel listings (see Figure 19A) but also setting reminders for the programs or restricting access to programs, therefore categorizing the content data in at least two types of data with different structures and formats).

Referring to claim 2, Schein discloses that the commercial information contains image data (Column 11, Lines 56-57).

Referring to claim 3, Schein discloses that a digital signal can have separate bitstreams that contain video, audio, and program guide information (Column 6, Lines 51-60), and that data related to a television program guide title is related to an advertisement (see the rejection of claim 1 and note that the advertisement shown in window 528 is related to the television program selected in the program matrix 506).

Referring to claim 4, Schein discloses that commercial information can be accessed on a remote computer via the Internet (Column 20, Lines 4-9), and that a computer on a computer network (Internet) can be given an IP address (Column 18, Lines 20-43).

Referring to claim 5, Schein discloses hierarchical levels for program schedule data (Column 9, Lines 20-67 and Column 10, Lines 1-28) for a program guide, which contains advertisements (Column 22, 10-18). Schein shows that a first hierarchical level (Channel Data Table) is smaller by holding only the channel required for viewing at a specific subscriber's receiver, while the second hierarchical level (show list) contains start times and additional scheduling data for 24 hours worth of program for every channel listed in the Channel Data Table (Column 9, Lines 20-62 and Figures 5 and 6). It is inherent that the Channel Data Table is smaller than the Show List Table because of the large amount of data storage that would be required to hold 24 hours or weeks worth of show times for each program contained in the Channel Data Table.

Referring to claim 6, see the rejection of claim 1 and note that Schein further discloses a receiver for separating program guide information from a received broadcasting signal (Column 12, Lines 41-44).

Schein also further discloses a processor (see Figure 3) for displaying commercial information in a part of a display area (see Figure 21A and Column 24, Lines 1-20), and an electronic program guide screen including program columns corresponding to a plurality of programs based on the separated program guide information (see Figure 21A).

Schein also further discloses that the processor (Figure 3) processes commercial information which corresponds to said program guide information and which is automatically displayed for a single program column and is transmitted together with said program guide information (see Column 7, Lines 35-45 for transmitting commands in the VBI, which are used to create an EPG, and also note Column 8, Lines 3-7 for also transmitting commands which contain URL information which allows a user to access a linked internet site from the EPG).

Referring to claim 7, Schein discloses specifying commercial information displayed on part of said program guide screen (see Figure 21A).

Schein also discloses communicating with an external computer through a computer network (Column 20, Lines 4-9).

Schein also discloses displaying further detailed information from an external computer based on address information to display the information when a cursor is moved onto one of the program columns (Figures 21B and 21C and Column 18, Lines 20-43 and Column 19, Lines 51-63).

Referring to claim 8, Schein discloses selecting a program column on a program guide, and displaying program details corresponding to the program column selected

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and to sequentially display plural items of commercial information included in the program in a part of the display area (see Figures 21A, 21B, and 21C and Column 24, Lines 1-19).

Referring to claim 9, Schein discloses displaying a commercial details screen (see top left window explaining NFL cap in Figure 21C).

Referring to claim 10, see rejection of claim 9.

Referring to claim 11, Schein discloses sponsors for presenting commercial information (Column 22, Lines 10-18).

Referring to claim 14, see rejection of claim 2.

Referring to claim 15, see rejection of claim 3.

Referring to claim 16, see rejection of claim 6.

Referring to claims 17-21, see rejections of claims 8-12, respectively.

Referring to claim 22, see rejection of claims 1, 6 and 16. Also note Figure 1 for a transmitting apparatus.

Referring to claims 23-24, see rejection of claims 20-21, respectively.

Referring to claims 25-26, see rejection of claims 25-26, respectively.

Referring to claim 27, see rejection of claim 6.

Referring to claims 28-30, see rejection of claim 27.

Referring to claims 31-34, see the rejection of claims 1, 6, 16 and 22.

Referring to claim 35, see the rejection of claim 1.

Conclusion

4. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jason P. Salce whose telephone number is (571) 272-7301. The examiner can normally be reached on M-F 9am-6pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John Miller can be reached on (571) 272-7353. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Jason P Salce
Primary Examiner
Art Unit 2623

July 18, 2006

A handwritten signature in black ink, appearing to read "Jason Salce", is written over the typed name and title.